



US Army Corps
of Engineers
St Paul District

APPLICANT: Wisconsin
Department of
Transportation
District 3

Public Notice

ISSUED: 28 April 2004
EXPIRES: 28 May 2004

REFER TO: 04-03353-LMK

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material in streams and adjacent wetlands for the construction of approximately 8.4 miles of 4-lane highway for the Marinette County Segment of the USH 141 upgrade. A total of approximately 46.2 wetland acres would be impacted. The impacted areas are in 33 separate wetlands adjacent to tributaries to the Peshtigo River. Wetland losses would be offset by compensatory mitigation of 61.44 acres.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: P.O. Box 28080
Green Bay, WI 54324-0080

CONTACT: Nelson Goubeaux
944 VanderPerren Way
Green Bay, WI 54304
(920) 492-0145

PROJECT LOCATION: The project site is located along an 8.4-mile corridor beginning at the south Marinette County line in the SE 1/4 SE 1/4 S.34 T30N R20E extending north of STH 64 to West 6th Road in the SW 1/4 SE 1/4 S.28 T31N R20E, Marinette County, Wisconsin. The approximate UTM coordinates are Zone 16, East: 417659, North: 4985937 at the southern end of the project, and Zone 16, East: 419979, North: 4997105 at the northern end.

DESCRIPTION OF PROJECT: The new construction of USH 141 would consist of a four-lane divided highway along a corridor that follows the existing USH 141 with a west bypass of the communities of Coleman and Pound. An interchange at CTH B, and at-grade intersections at E. 2nd Road, CTH M, W. 8th Road, and STH 64 would be constructed. The upgrade would feature two twelve-foot lanes in each direction and a sixty-foot wide grass median. The median at the intersection of the proposed USH 141 and STH 64 would widen to 100 feet, since it falls on a curve. The project would include construction of four new bridges and two concrete culvert pipes across waterways. A temporary channel would be constructed to maintain waterflow during construction of the culvert pipes.

SUBJECT: Notice of Application for Permit

QUANTITY, TYPE, AND AREA OF FILL: No fill in the waterway is anticipated for any of the four bridges. Dredged and fill material would be discharged in the installation of approximately 133 culverts and for roadbed and shoulder work. A total of 300,070 cubic yards of fill would be discharged into 33 wetlands. Approximately 46.20 acres of wetlands would be impacted.

VEGETATION IN AFFECTED AREA: The affected wetland areas consist of 11.84 acres of shrub/scrub wetland, 4.22 acres of wet meadow wetland, 6.32 acres of riparian forest wetland, and 23.82 acres of wooded swamp wetland typical of that found associated with tributary systems in northeast Wisconsin.

MITIGATION: The approximately 46.20 acres of wetland losses, would be compensated for by a total of 61.44 acres: 54.98 acres at three onsite/near mitigation sites and 6.46 acres deducted from a wetland bank. The proposed mitigation sites are the Charapata located 2 miles west of USH 141 on CTH P in Marinette County, the Duhm located along USH 141, 0.9 miles south of the CTH A interchange in Oconto County, and the Benser located along USH 141, 0.3 miles south of the north county line in Oconto County. The final mitigation plan for the Charapata, Duhm, and Benser sites would be developed in consultation with the WDNR, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and the U.S. EPA. The Peshtigo Brook bank site is currently in the process of establishment.

SOURCE OF FILL MATERIAL: Selection of borrow material sites would be the responsibility of the construction contractor, subject to approval by WisDOT. It is anticipated that borrow material will be obtained locally from clean upland sources.

SURROUNDING LAND USE: Land use along the highway corridor consists of agricultural lands, rural residential lands and urban lands near the villages of Coleman and Pound.

DESCRIPTION OF STRUCTURE: Four new bridges would be constructed. Approximately 133 culverts would be installed.

Structures B-38-92 and B-38-93 are 100-foot single span, concrete girder bridges that would be located over the Little Peshtigo River; the first on northbound USH 141 and the second on southbound USH 141 approximately 1200 feet north of existing CTH B.

Structures B-38-96 and B-38-97 are 125-foot single span, concrete girder bridges that would be located over a drainage way, currently being called the Cedar Swamp Stream. The first structure would be on northbound USH 141 and the second on southbound USH 141 approximately 700 feet south of existing West 16th Road. The structures would be bridges each designed with a 40-foot clear zone on both sides of the stream.

SUBJECT: Notice of Application for Permit

Major Culvert Pipe Structures not at wetland locations (except as noted below):

Side Roads:

STN 183+10 CTH B 48-inch X 56-foot culvert pipe
STN 210+00 CTH B Rt. 36-inch X 144-foot culvert pipe
STN 390+30 13th Rd. 60-inch X 72-foot culvert pipe

USH141:

STN 1196+25 48-inch X 104-foot culvert pipe reinforced concrete
STN 1209+00 36-inch X 112-foot culvert pipe reinforced concrete
STN 1232+75 (Wetland #23 diversion channel) 60-inch X 352-foot
culvert pipe reinforced concrete

DESCRIPTION OF DREDGING OR EXCAVATION: Dredging activities would be associated with culvert installation and also at wetlands 1, 3, 11, 15, 16, 17, 20 and 24 for a total of approximately 22,200 cubic yards of material being excavated.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant has proposed to implement detailed sedimentation and erosion control measures. This would include the use of silt fences, erosion bales, ditch checks, temporary interceptor ditches, ditch liners, sedimentation ponds, and the timely mulching and seeding or sodding of roadway slopes and other exposed areas to reduce runoff and siltation. In-stream construction techniques would include the use of cofferdams and turbidity barrier to reduce sedimentation.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, Suite 211, Old Fort Square, 211 N. Broadway, Green Bay, WI 54303-2757.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Linda M. Kurtz at the Green Bay office of the Corps, telephone number (920) 448-2824.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Marinette County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

SUBJECT: Notice of Application for Permit

<u>Species</u>	<u>Habitat</u>
Bald eagle (T)	Breeding
Canada lynx (T)	No known resident populations; occasionally occurs in northern forested areas.
Kirtland's warbler (E)	Potential breeding in jack pine

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because Peshtigo River is tributary to Green Bay, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

The applicant has applied for State Wisconsin Department of Natural Resources Permits.

6. WATER QUALITY CERTIFICATION.

This Public Notice has been sent to the Wisconsin Department of Natural Resources and is considered by the District Engineer to constitute valid notification to that agency for water quality certification.

A permit will not be granted until the Wisconsin Department of Natural Resources has issued Section 401 certification.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

SUBJECT: Notice of Application for Permit

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

10. The Wisconsin Coastal Management Program (WCMP) in the Department of Administration is inviting public comment regarding this project. The WCMP may conduct a Federal consistency review to verify that the project will comply with State policies in

CEMVP-CO-R (04-03353-LMK)

SUBJECT: Notice of Application for Permit

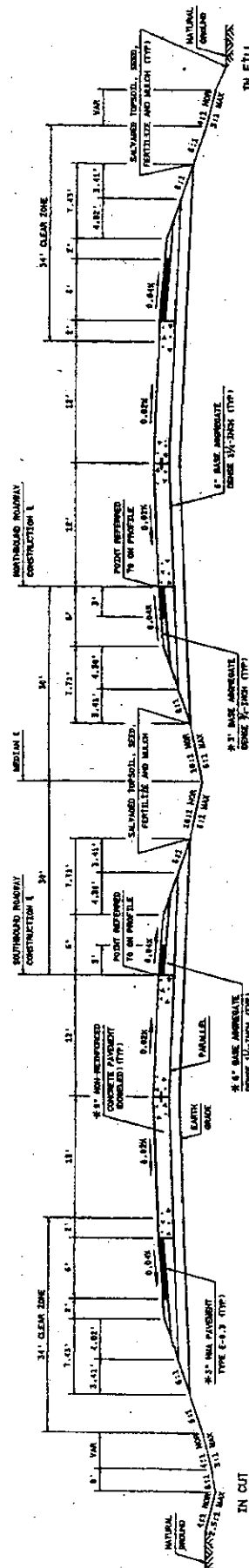
Wisconsin's coastal zone. Further information may be obtained from the Federal Consistency Coordinator at: Wisconsin Coastal Management Program, P.O. Box 7868, Madison, WI 53707-7868; (608) 266-8234. Any comments on whether or not this proposed project complies with the State enforceable policies should be received within 30 days by the Federal Consistency Coordinator.



Maria T. Valencia
Chief, Out-State Wisconsin Section

Enclosures

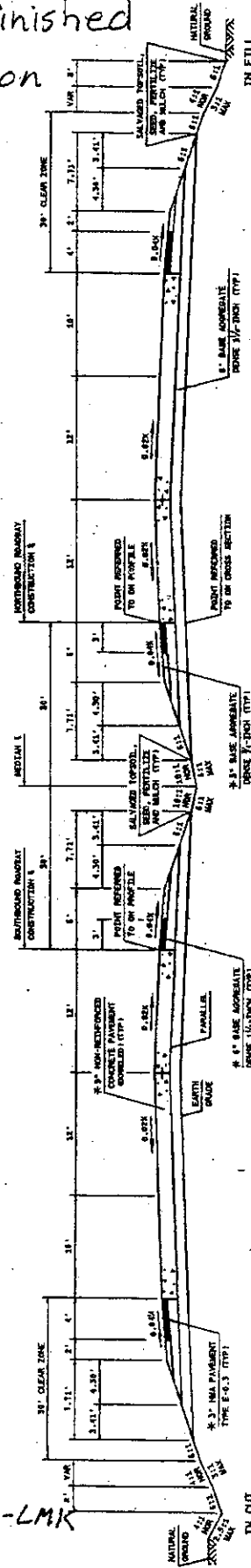
NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



00+0071 - 00+0071
00+0070 - 00+0065
00+001 - 00+000
00+0000 - 00+0000

TYPICAL FINISHED CROSS SECTION FOR USH 141

NOT PART OF THIS CONTRACT



NOTE: SEE PLAN/PROFILE SHEETS FOR ACCELERATION OBSERVATION TAPOR LOCATIONS

TYPICAL FINISHED CROSS SECTION FOR USH 141

ACCELERATION/DECELERATION
126141 - 122329 MB 07
119745 - 121440 SB 17

2004-03353-LMK

P.3 of 9

Little Peshtigo River Bridge B-38-92

EXHIBIT C1

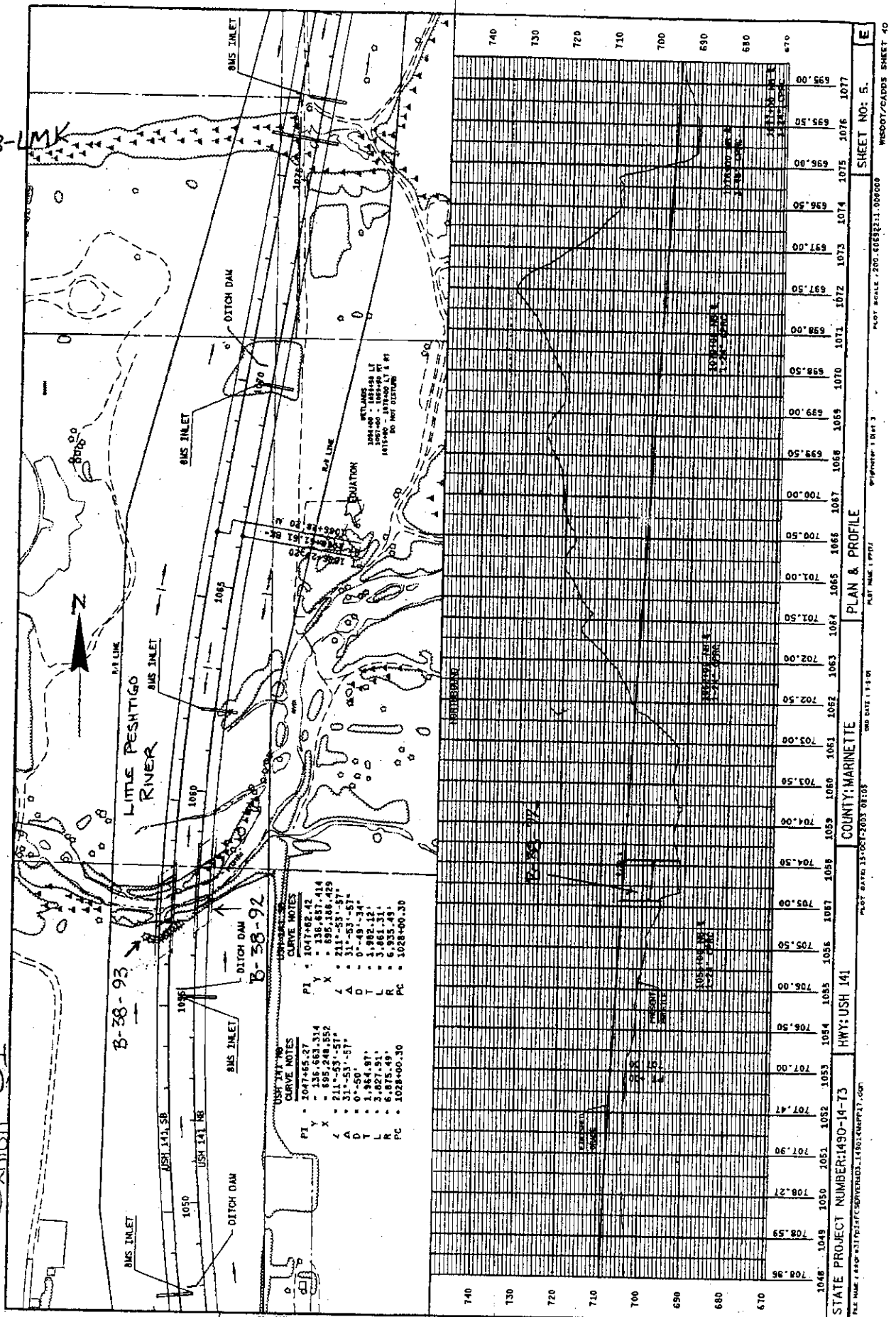


EXHIBIT C 1 of 3

2004-03353-LMK

P. 4 of 9

Little Pestigo River Bridge B-38-93

EXHIBIT C2

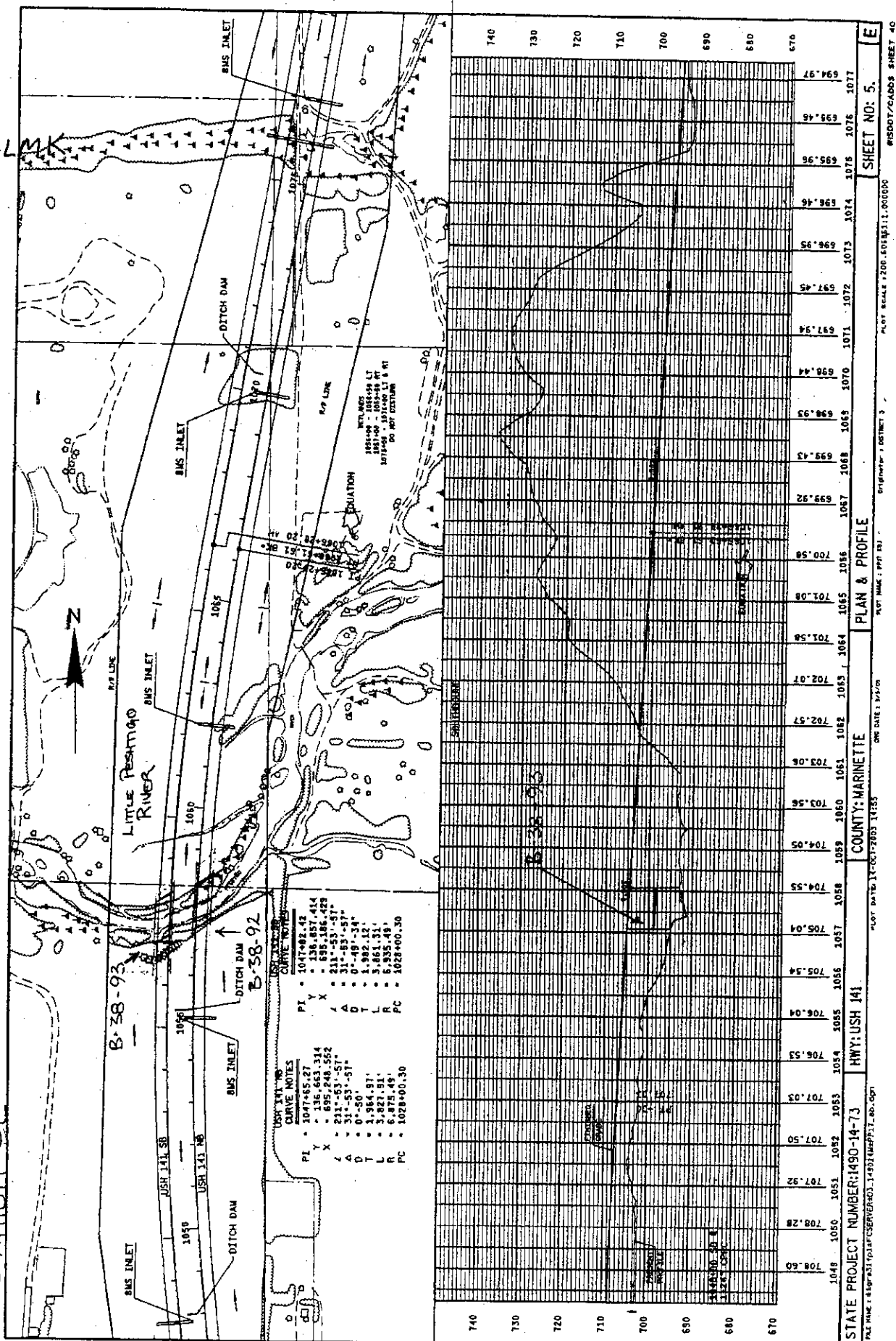


EXHIBIT C 2 of 3

2004-03353-LMK
P.5 of 9

"Cedar Swamp Creek" Bridges B-38-96 B-38-97

EXHIBIT C3

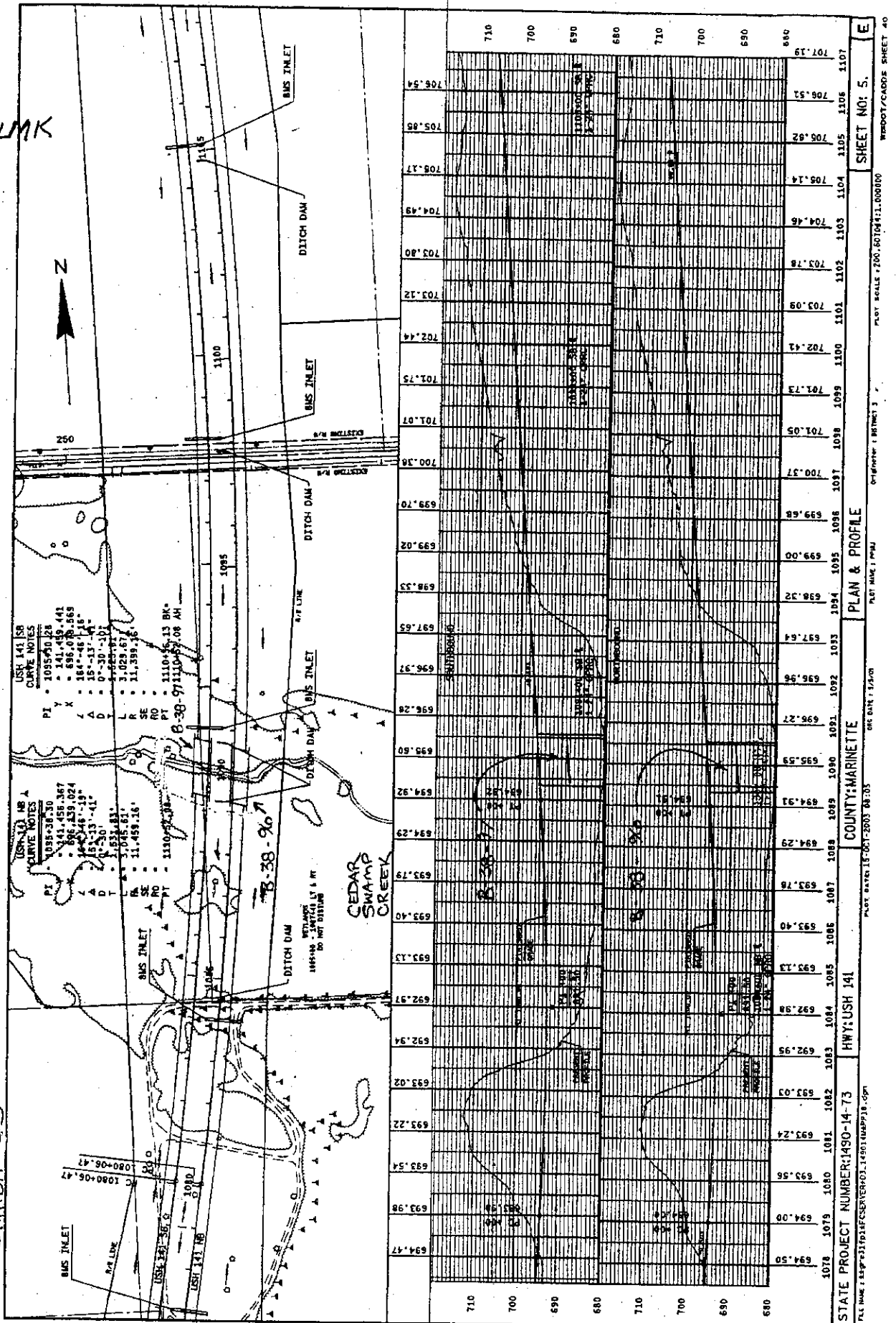


EXHIBIT C 30F3

2004-03353-LMK
P.6 of 9

EXHIBIT D
Project ID 1490-14-01
USH 141
MARINETTE COUNTY

STRUCTURE IMPACTS & HYDRAULICS

Structure ID	Location	Description	Drainage Area (SQ MI)	Cut Below OHWM (CY)	Fill Below OHWM (CY)	Flow-rate Q100 (CFS)	Existing H100 Elev.	New H100 Elev.	Back-water Change (FEET)	Back-water Reach (FEET)
B-38-92	USH 141 NB over Little Peshtigo River	100' single span, concrete girder	30.00	0	0	710	693.33	694.5	1.17	1010
B-38-93	USH 141 SB over Little Peshtigo River	100' single span, concrete girder	30.00	0	0	710	693.33	694.5	1.17	1010
B-38-96	USH 141 NB over Cedar Swamp Creek	125' single span, concrete girder	3.64	0	0	290	681.76	681.88	0.12	360
B-38-97	USH 141 SB over Cedar Swamp Creek	125' single span, concrete girder	3.64	0	0	290	681.76	681.88	0.12	360

2004-03353-LMK
P. 7 of 9

EXHIBIT E

Project ID 1490-14-01

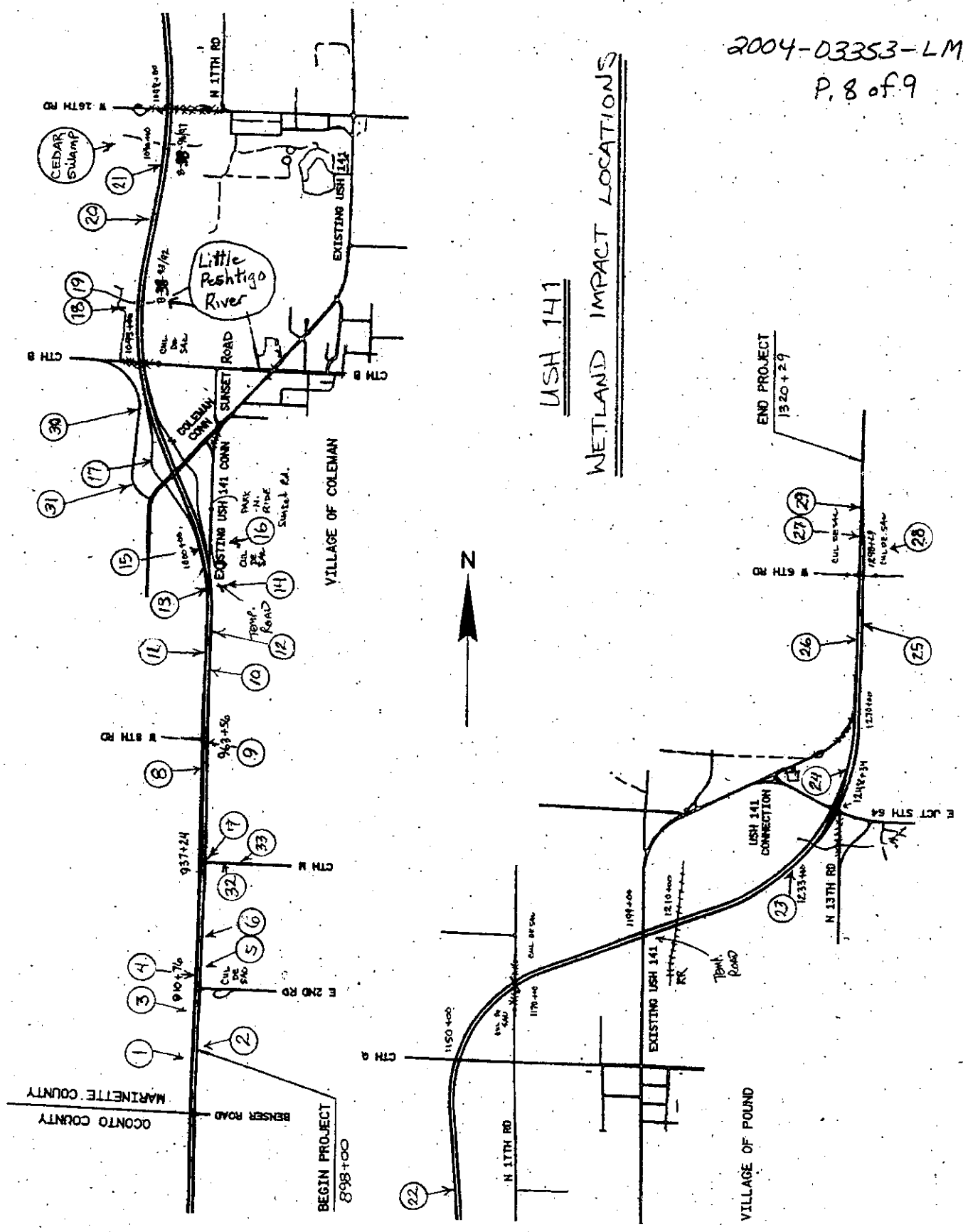
USH 141

MARINETTE COUNTY

MARINETTE CO. WETLAND IMPACTS

No. ID	STATION	SIDE	DIMENSIONS	AREA(ft^2)	ACRES	TYPE
	USH 141					
1	890+00	L	700 x 20	14,000	0.32	WS
2	897+00	R	650 x 110	71,500	1.64	SS
3	908+00	L	440 x 30	13,200	0.30	M
4	913+00	L	560 x 30	16,800	0.39	WS
5	914+00	R	160 x 110	17,600	0.40	WS
6	918+00	R	210 x 100	21,000	0.48	SS
7	938+00	R	200 x 200	40,000	0.92	WS
8	961+00	L	200 x 50	10,000	0.23	SS
9	963+00	R	170 x 130	22,100	0.51	M
10	979+00	R	650 x 70	45,500	1.04	SS
11	982+00	L	980 x 25	24,500	0.56	SS
12	986+00	R	30 x 120	3,600	0.08	M
13	998+00	L	100 x 200	20,000	0.46	M
14	998+00	R	400 x 70	28,000	0.64	M
15	1002+00	L	170 x 150	25,500	0.59	M
16	1002+00	R	170 x 120	20,400	0.47	M
17	1025+00	L	900 x 190	171,000	3.93	WS
18	1057+00	B	120 x 270	32,400	0.74	RPF
19	1059+00	B	50 x 240	12,000	0.28	M
20	1076+00	B	150 x 280	42,000	0.96	SS
21	1084+00	B	900 x 270	243,000	5.58	RPF
22	1125+00	B	610 x 270	164,700	3.78	SS
23	1229+00	B	1,520 x 300	456,000	10.47	WS
24	1257+00	L	300 x 130	39,000	0.90	M
25	1290+00	R	980 x 130	127,400	2.92	SS
26	1290+00	L	1,100 x 50	55,000	1.26	WS
27	1299+00	L	230 x 40	9,200	0.21	SS
28	1300+00	R	1,200 x 80	96,000	2.20	WS
29	1306+00	L	800 x 40	32,000	0.73	WS
	CTH B					
30	200+00	B	100 x 250	25,000	0.57	WS
31	215+00	B	500 x 170	85,000	1.95	WS
	CTH M					
32	142+00	R	200 x 50	10,000	0.23	WS
	Driveway	R	100 x 50	5,000	0.11	WS
33	144+00	L	400 x 70	28,000	0.64	WS
	Driveway	L	100 x 50	5,000	0.11	WS
TOTAL SHRUB SWAMP (SS)					11.84	
TOTAL WET MEADOW (M)					4.22	
TOTAL RIPARIAN FOREST (RPF)					6.32	
TOTAL WOODED SWAMP (WS)					23.82	
TOTAL AREA					46.20	

Cedar Swamp



USH 141
WETLAND IMPACT LOCATIONS

WETLAND MITIGATION SUMMARY

Project ID 1490-14-01
USH 141
MARINETTE COUNTY

2004-03353-LMK
P. 9 of 9

Project Impacts Type	Acres
WS	23.82
SS	11.84
RPF	6.32
M	4.22
Total	46.20

On-Site/Near Site Mitigation	Acres	Type
Balance at the Charapata site from the Oconto County Project ~ 10 Acres	4.00	M
of which ~ 6 acres will be trees planted to mitigate the cedar swamp	5.58	WS ¹
Rosner Property - Preservation of the Cedar Swamp ~ 12 Acres @ 8:1	1.50	WS
Benser Property - Wetland creation ~ 18.2 Acres of Wet Meadow	18.20	M
Duhm Property - Wetland restoration/creation ~ 21.58 acres	21.58	M
Duhm Property - Wetland Preservation ~ 26.32 Acres @ 8:1	3.29	WS
Duhm Property - Upland Buffer ~ 3.32 Acres @ 4:1	0.83	M
Total	54.98	

Mitigation Ratios						
Acres	Loss Type	Ratio	Rep. Type	Location	Debit	Balance
1.50	WS	1	WS	Rosner	1.50	0.00
3.29	WS	1	WS	Duhm	3.29	0.00
0.55	WS	1.5	UPB (M)	Duhm	0.83	0.00
14.39	WS	1.5	M	Duhm	21.58	0.00
4.09	WS	1.5	M	Benser	6.14	12.07
23.82	WS Total					
5.58	RPF	1	WS ¹	Charapata	5.58	0.00
0.74	RPF	1.5	M	Benser	1.11	10.96
6.32	RPF Total					
7.31	SS	1.5	M	Benser	10.96	0.00
2.67	SS	1.5	M	Charapata	4.00	0.00
1.87	SS	1.2	M	Peshtigo Br.	2.24	Bank Site
11.84	SS Total					
4.22	M	1	M	Peshtigo Br.	4.22	Bank Site
4.22	M Total					
Total Debits					61.44	

1 - Cedar Swamp

EXHIBIT H

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 5TH ST. EAST
ST. PAUL, MINNESOTA 55101-1638

OFFICIAL BUSINESS
REGULATORY BRANCH
CO-R

POSTMASTER: Please Post Until Notice Expires